

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL NO. 2:18-cr-00256

RODNEY LAMMAR HARGROVE

MEMORANDUM OPINION AND ORDER

Pending before the court is defendant Rodney Lammar Hargrove's motion to continue the trial and all case related actions for a period of at least thirty (30) days. (ECF No. 24). In support of his motion and the need for a continuance, counsel for defendant states that additional time is necessary for defense counsel to review all of the discovery materials, develop and/or investigate the materials further, or to formulate appropriate pretrial motions. See id.

Because failure to grant the requested continuance would likely result in a miscarriage of justice, the court finds that the ends of justice outweigh the best interest of the defendant and the public in a speedy trial, see 18 U.S.C. § 3161(h)(7)(A), and **GRANTS** the defendant's motion to continue. In deciding to grant the motion to continue, the court considered the factors outlined in 18 U.S.C. §3161(h)(7)(B) and found that the nature of the prosecution makes it unreasonable to expect adequate preparation for pretrial proceedings or for the trial itself

within the time limits established by the Speedy Trial Act. The court further finds that failure to grant a continuance would deny counsel the reasonable time necessary for effective preparation, taking into account the exercise of due diligence.

Accordingly, the court hereby **ORDERS** as follows:

- I. Trial of this action is continued until 9:30 a.m. on February 26, 2019, in Charleston. Jury instructions and proposed voir dire are to be filed by February 19, 2019;
- II. All pretrial motions are to be filed by January 22, 2019;
- III. A pretrial motions hearing before the undersigned is scheduled for 11:00 a.m. on January 29, 2019, in Charleston;
- IV. Pursuant to 18 U.S.C. § 3161(h)(7)(A), the time from the filing of the motion until the trial is excludable for purposes of the Speedy Trial Act.

The Clerk is directed to send a copy of this Memorandum Opinion and Order to counsel of record, to the United States Marshal for the Southern District of West Virginia, and to the Probation Office of this court.

IT IS SO ORDERED this 7th day of January, 2019.

ENTER:



David A. Faber
Senior United States District Judge